

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MEYNARD DESIGNS, INC. AND EARTH,  
INC.

Plaintiffs and  
Counterclaim-Defendants,

v.

EARTH PRODUCTS INC.

Defendant and  
Counterclaim-Plaintiff.

EARTH PRODUCTS INC.

Third-Party Plaintiff and  
Counterclaim-Defendant,

v.

PLANET, INC.

Third-Party Defendant and  
Counterclaim-Plaintiff.

CIVIL ACTION NO. 05 cv 11781 NMG

**DEFENDANT EARTH PRODUCTS INC.'S ASSENTED TO MOTION FOR LEAVE  
TO FILE A REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE FIRST  
AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS**

Pursuant to Local Rule 7.1(b), Earth Products Inc. hereby seeks leave from this Honorable Court to file a reply brief ("Reply") in support of its Motion for Leave to File First Amended Answer, Affirmative Defenses and Counterclaims (the "Motion"). The proposed Reply is the subject of a concurrently-filed motion to impound, and therefore is not attached as an exhibit.

This twelve-page Reply is necessary to respond to the arguments raised in Plaintiffs' opposition to the Motion. Plaintiffs have assented to this motion for leave to file a reply brief.

Dated: November 13, 2007

By: /s/ Derrick W. Toddy  
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**CERTIFICATE OF SERVICE**

I certify that this DEFENDANT EARTH PRODUCTS INC.'S ASSENTED TO MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF ITS MOTION FOR LEAVE TO FILE FIRST AMENDED ANSWER, AFFIRMATIVE DEFENSES AND COUNTERCLAIMS is being filed through the Court's electronic filing system, which serves counsel for other parties who are registered participants as identified on the Notice of Electronic Filing (NEF).

Counsel for other parties are also being served by electronic mail on the date of electronic filing.

Dated: November 13, 2007

By: /s/ Derrick W. Toddy  
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